

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TERRIS R. JONES, SR.,
 Plaintiff,

vs.

LAS VEGAS VALLEY WATER DISTRICT, et al.,
 Defendants.

Case No. 2:14-cv-01152-GMN-NJK

ORDER GRANTING MOTION
 TO STAY DISCOVERY

(Docket No. 69)

Pending before the Court is Defendants' motion to stay discovery pending resolution of their motion to dismiss with prejudice. *See* Docket No. 69; *see also* Docket No. 57 (motion to dismiss). Plaintiff has failed to file a response. *See* Docket. The Court finds the matter properly resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed below, the motion to stay is hereby **GRANTED**.

"The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the

1 merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a
2 claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).¹

3 Having reviewed the underlying motion to dismiss, the Court finds that these elements are
4 present in this case and **GRANTS** the motion to stay discovery. Docket No. 69. If the motion to
5 dismiss is not granted in full, the parties shall file a proposed discovery plan within seven days of the
6 issuance of the order resolving the motion to dismiss.

7 IT IS SO ORDERED.

8 DATED: September 1, 2015.

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12 NANCY J. KOPPE
13 United States Magistrate Judge
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26 Conducting this preliminary peek puts the undersigned in an awkward position because the assigned
27 district judge who will decide the motion to dismiss may have a different view of its merits. *See*
28 *Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is not
intended to prejudice its outcome. *See id.*